

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-1179

WILLIAM NICHOLAS FORTESCUE, JR.,

Plaintiff - Appellant,

versus

JERRY E. KING, Auctioneer; KING AUCTION &
REALTY COMPANY, INCORPORATED; DAVID G. GRAY,

Defendants - Appellees.

No. 98-1180

WILLIAM NICHOLAS FORTESCUE, JR.,

Plaintiff - Appellant,

versus

JERRY E. KING, Auctioneer; KING AUCTION &
REALTY COMPANY, INCORPORATED; DAVID G. GRAY;
WESTALL, GRAY & CONNOLLY, PA,

Defendants - Appellees.

No. 98-1675

WILLIAM NICHOLAS FORTESCUE, JR.,

Plaintiff - Appellant,

versus

JERRY E. KING; KING AUCTION & REALTY COMPANY,
INCORPORATED; DAVID G. GRAY,

Defendants - Appellees.

No. 98-2063

In Re: WILLIAM NICHOLAS FORTESCUE, JR.,

Debtor.

WILLIAM NICHOLAS FORTESCUE, JR.,

Plaintiff - Appellant,

versus

JERRY E. KING, Auctioneer; KING AUCTION &
REALTY COMPANY, INCORPORATED; DAVID G. GRAY,

Defendants - Appellees.

Appeals from the United States District Court for the Western District of North Carolina, at Asheville. Lacy H. Thornburg, District Judge. (CA-97-194-1, BK-85-10291, AP-96-1396, MISC-97-3-MC, CA-98-12-1)

Submitted: April 29, 1999

Decided: May 4, 1999

Before WILLIAMS, TRAXLER, and KING, Circuit Judges.

Nos. 98-1179 and 98-1180 affirmed and Nos. 98-1675 and 98-2063 dismissed by unpublished per curiam opinion.

William Nicholas Fortescue, Jr., Appellant Pro Se. David G. Gray, Jr., WESTALL, GRAY, CONNOLLY & DAVIS, P.A., Asheville, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In No. 98-1179, William Nicholas Fortescue appeals from the district court's orders dismissing his appeal from the bankruptcy court for failure to file his appeal brief and denying his motion for reconsideration. Appeal No. 98-1180 is his appeal from the district court's order denying his motion to withdraw the reference of his case to the bankruptcy court. We have reviewed the record in these two appeals and the district court's orders and find no reversible error. Accordingly, we grant Fortescue's motions for leave to proceed in forma pauperis and affirm on the reasoning of the district court. See Fortescue v. King, Nos. CA-97-194-1; MISC 97-3-MC; BK-85-10291; AP-96-1396 (W.D.N.C. Jan. 22, Nov. 12, & Dec. 3, 1997).

In No. 98-1675, Fortescue appeals from the district court's orders denying his motion for leave to proceed in forma pauperis in Appeal Nos. 98-1179 and 98-1180 and denying his motion for reconsideration. Because we grant his leave to so proceed, this appeal is moot. Accordingly, we grant Fortescue's motion for leave to proceed in forma pauperis and dismiss this appeal as moot.

Appeal No. 98-2063 is Fortescue's appeal from the district court's order denying his motion for leave to file his amended appeal brief out of time. We dismiss the appeal for lack of jurisdiction because the order is not appealable. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994),

and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order here appealed is neither a final order nor an appealable interlocutory or collateral order. We dismiss this appeal as interlocutory.

In conclusion, we grant Fortescue's pending motions for leave to proceed in forma pauperis, we affirm on the reasoning of the district court in appeal Nos. 98-1179 and 98-1180, and we dismiss appeal Nos. 98-1675 and 98-2063. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

Nos. 98-1179 and 98-1180 - AFFIRMED

Nos. 98-1675 and 98-2063 - DISMISSED